

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: FIBERCOMM, L.C.	DOCKET NO. IOWA ADMIN. CODE 199-39.2(4)
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ORDER DESIGNATING ELIGIBLE TELECOMMUNICATIONS STATUS

(Issued July 30, 1999)

On July 12, 1999, FiberComm, L.C. (FiberComm), filed a request for designation as an eligible telecommunications carrier pursuant to IOWA ADMIN. CODE 199-39 (1999). These rules provide the mechanism by which local exchange service providers in Iowa can be designated as eligible carriers that can receive support from the federal universal service fund established pursuant to 47 U.S.C. § 254. In order to be designated as eligible, the carrier must:

1. Offer the services supported by the federal fund;
2. Offer the services using its own facilities or a combination of its own facilities and resale;
3. Advertise the availability of the supported services; and
4. Offer the supported services throughout its designated service area.

IOWA ADMIN. CODE 199-39.2(3).

One of the supported services is toll limitation for qualifying low-income customers. IOWA ADMIN. CODE 199-39.1"i". FiberComm requests waiver of this rule on the basis that the service is not currently available. In prior dockets, the

Board has waived this requirement. However, it appears a waiver is no longer necessary because the underlying FCC rules have been changed.

The federal rule (47 C.F.R. § 54.400) was amended in 1998 so that the toll limitation requirement can now be satisfied with either toll control (which is still not available in most circumstances) or toll blocking, which is a widely-available service that does not allow the completion of any outgoing toll calls. It is the Board's understanding that FiberComm should be able to offer toll blocking and comply with the requirements of the federal and state rules, making a waiver unnecessary.

IT IS THEREFORE ORDERED:

1. The request of FiberComm, L.C., to be designated as an eligible carrier pursuant to IOWA ADMIN. CODE 199-39.2 is granted.
2. The waiver of IOWA ADMIN. CODE 199-39.2(1)"i" requested by FiberComm, L.C., is denied.

UTILITIES BOARD

/s/ Allan T. Thoms

/s/ Susan J. Frye

ATTEST:

/s/ Raymond K. Vawter, Jr.
Executive Secretary

Dated at Des Moines, Iowa, this 30th day of July, 1999.